



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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1719900 - R8 SDMS

September 21, 2015

Ref: ENF-L

Ms. Brooke Kuhl
Counsel for BNSF Railway Company
201 W. Railroad, Suite 300
Missoula, Montana 59802

Via electronic and regular mail.

Re: Smurfit Stone Mill Superfund Site, Missoula, Montana

Dear Ms. Kuhl,

Thank you for your August 27, 2015, letter regarding the Smurfit Stone Mill Site in Missoula, Montana (Site). As you know, the Site is currently proposed for addition to the National Priorities List, and EPA has been working with M2Green, LLC, the International Paper Company, and West Rock (formerly Rock Tenn), to negotiate a remedial investigation pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The remedial investigation will be used to determine the nature and extent of contamination at the Site, and will inform future cleanup decisions.

The EPA appreciates the willingness of BNSF Railway Company and Montana Rail Link, Inc. (the Railroads) to study potential contamination issues associated with the rail spur at the Site. The EPA proposes negotiating a separate administrative order on consent (AOC) for remedial investigation on the Railroads' property. An AOC is necessary to ensure compliance with section 104 (a)(1) of CERCLA, 42 U.S.C. § 9604 (a)(1), and to provide a mechanism through which EPA can provide oversight and recover costs. Should you be interested in pursuing an AOC, please let me know at your earliest convenience.

Sincerely,

Amelia Piggott
Attorney, U.S. EPA Region 8

cc: Becky Summerville, counsel for Montana Rail Link, Inc. (e-mail only)



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